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COMPLAINT OF CHEVRON § PUBLIC UTILITY COMMISSION
PHILLIPS CHEMICAL COMPANY LP §
AGAINST THE ELECTRIC RELIABILITY § OF TEXAS
COUNCIL OF TEXAS, INC. §
§

**STATUS REPORT AND REQUEST FOR EXTENSION
OF CHEVRON PHILLIPS CHEMICAL COMPANY LP**

In Compliance with Order No. 2, issued by the Chief Administrative Law Judge (CALJ) on April 30, 2021, Chevron Phillips Chemical Company LP (CPChem) files this status report. In addition, CPChem hereby requests additional extension/abatement of deadlines in this matter, either through provision of an additional 45 days for submitting a further status report (CPChem's requested outcome), or in the alternative via setting a deadline in August 2021 for CPChem to submit an updated, non-provisional complaint.

Background and Statement of Conference with Commission Staff

On March 18, 2021, CPChem filed a Petition for Emergency Relief for Extension of Texas Administrative Code Filing Deadlines in Docket 51812, requesting that the Public Utility Commission (Commission) order, for the benefit of CPChem and others, a six-month extension to the 35-day deadline stated in 16 TAC § 22.251(d) for complaints concerning conduct of ERCOT, comparable to extensions previously provided for certain ERCOT deadlines in the Commission's March 12, 2021 Order in Docket 51812. Then on March 22, 2021, CPChem filed a Provisional Complaint, which was assigned to Docket 51929. As noted in Order No. 1 issued by the CALJ in Docket 51929, CPChem filed its complaint provisionally as a means of complying with the 35-day deadline of 16 TAC § 22.251(d), while continuing to seek the six-month extension from the Commission, in light of factual, regulatory, and political uncertainty surrounding what the Commission has termed the February 2021 Winter Weather Event (Winter Weather Event).

In response to CPChem's Provisional Complaint, the CALJ's Order No. 1 in Docket 51929 set a deadline of April 30, 2021, for CPChem to file a status report and for the Commission Staff or others to submit any related briefing, in the event the Commission had not previously ruled on CPChem's Petition for Emergency Relief. On April 29, 2021, the Commission Staff and CPChem jointly requested extension of the status report deadline for 90 days, and on April 30, 2021, the CALJ's Order No. 2 granted an extension of 45 days (to June 14, 2021) for further status report, again in the event that the Commission had not previously ruled on CPChem's Petition for Emergency Relief.

CPChem's counsel and the Commission Staff have again conferred regarding the June 14, 2021 status report deadline. It is CPChem's understanding that CPChem and the Commission Staff agree in principle that the overall circumstances and uncertainty continue to warrant further extension in this matter, rather than moving forward immediately with the proceedings. However, CPChem is concerned that in the present instance, working in an attempt to agree on precise terms of a joint submission might result in a last-minute filing that could be less convenient for the parties and the CALJ. Accordingly, CPChem has determined to file the present Status Report and Request unilaterally, but several days before the deadline, so that the Commission Staff may then have an opportunity to make any filing it may deem appropriate after having conferred with CPChem previously and seen CPChem's final submission.

Status Report

Several developments have occurred subsequent to Order No. 1 and Order No. 2, while other key circumstances have not changed. The present status includes the following:

1. The Commission still has not yet issued a ruling in response to CPChem's March 18 Petition for Emergency Relief in Docket 51812. To CPChem's knowledge, no party has opposed that Petition. At the time of this submission, not all Commissioners whose

service on the Commission ended in 2021 have been replaced, and the current Commissioners include the Commission Chairman and only one other Commissioner.

2. On April 14, 2021, ERCOT filed in Docket 51812 a Notice indicating, among other matters, that ERCOT intends to delay issuing Default Uplift Invoices “until after the conclusion of the current session of the Texas legislature,” underscoring the fluidity of the legal and factual situation and the potential for legislative impacts.¹
3. The legislature, after debate, negotiations, and amendments that continued until the last weekend of the legislative session ending May 31, 2021, passed legislation that may impact circumstances at issue in CPChem’s Provisional Complaint, including in particular HB 4492. At the time of this filing, the Governor has not signed this bill, and the precise impact of this and other new legislation on CPChem, if it becomes law, will require additional time and analysis to determine. In addition, final determinations as to any special sessions of the legislature and their subject matter have not been announced.
4. Various persons in industry and government are working to assess precisely how any new laws will affect controversies and economic impacts arising out of the Winter Weather Event.

In light of the continuing fluidity of circumstances surrounding the Winter Weather Event, CPChem continues to believe and urge that a six-month extension, as sought in its Petition for Emergency Relief, is necessary and appropriate. While CPChem’s Petition for that extension remains under consideration with the Commission, CPChem respectfully requests granting of further extension/abatement in this matter as detailed below.

Request for Extension

For the reasons stated above, and consistent with the prior Joint Request of CPChem and the Commission Staff submitted on April 29, 2021, CPChem hereby requests an order that any and all deadlines in this matter continue to be abated, and that CPChem be ordered to file a further status report **45 days from June 14, 2021** (*i.e.*, Thursday July 29, 2021) or 15 days after the

¹ See Electric Reliability Council of Texas, Inc.’s Notice of Planned Implementation of Default Uplift Invoice Process, Item No. 197 in Docket 51812, filed April 14, 2021, at 1, 6.

Commission rules on CPChem's Petition for Emergency Relief, whichever is earlier. This is the preferred result sought by CPChem.

In the alternative, and only in the event that the CALJ decides not to grant the relief requested above, CPChem requests the setting of a further deadline for CPChem to submit an updated complaint prior to responsive pleadings from any other parties being due under 16 TAC § 22.251. In recognition of the continued complexity and fluidity of circumstances surrounding the Winter Weather Event, and also in order to provide the Commission with further time to consider and rule on CPChem's Petition for Emergency Relief in Docket 51812, and considering a tendency of personal vacation schedules to cluster in mid- to late July, CPChem requests that such an updated complaint deadline be set no earlier than **August 6, 2021** in the event it is ordered.

Dated: June 9, 2021.

Respectfully Submitted,

REYNOLDS FRIZZELL LLP

/s/ Jean C. Frizzell

Jean C. Frizzell

State Bar No. 07484650

jfrizzell@reynoldsfrizzell.com

Nathan M. Smith

State Bar No. 24053060

nsmith@reynoldsfrizzell.com

1100 Louisiana Street, Suite 3500

Houston, Texas 77002

Phone: (713) 485-7200

Fax: (713) 485-7250

**ATTORNEYS FOR CHEVRON PHILLIPS
CHEMICAL COMPANY LP**

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for CPChem conferred with the Commission Staff prior to filing this Status Report and Request for Extension, as described above in the Section of this submission under the heading Background and Statement of Conference with Commission Staff.

Nathan M. Smith
Nathan M. Smith

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

Nathan M. Smith
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